

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
March 15, 2005

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, March 15, 2005, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor M. A. Truckenmiller, Breakthrough Worship Center, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. David Steele, Resident Engineer, Virginia Department of Transportation (VDOT), appeared to brief the Board on highway matters concerning the County. He stated he would forward the drainage watch list to the Board at a later date. He discussed the timing of caution lights, and gave a brief explanation of how the timing was determined.

Mrs. Noll mentioned the General Assembly's elimination of photo cameras at traffic signals and the possibility of lengthening yellow lights. She asked Mr. Steele to provide any further information he may obtain on that subject.

Mr. Steele explained the electrical work on the proposed traffic signal on Lightfoot Road should begin in August, with the light to be in place within 45 days of completion of that work. He reported on citizens' concerns in the Winder's Pond area regarding the cut-across on Lakeside Drive. He stated that VDOT has instructed the developer to repair that area, including milling the road to create a smooth surface. He touched on drainage matters, and indicated to Mr. Bowman he would add a particular drainage location to the watch list. He informed Mr. Shepperd that he hopes to have repairs made to the entrance of Mr. Vance's home within the next two weeks.

Mr. Zarembo asked what the plan was for the repair work on Interstate 64 near Route 199 going towards Newport News. He stated the area was plagued with potholes.

Mr. Steele explained he has maintenance crews on the roadways installing temporary patches, but because of the weather, the patches are short-lived and not effective. He stated VDOT would soon advertise for a contractor to make the repairs, and indicated the repair work would take approximately two years.

Mr. Bowman thanked Mr. Steele for VDOT's work on Wildey Road. He mentioned the Route 17 widening meeting that was held last week and his disappointment with the lack of citizen attendance. He emphasized the importance of citizens becoming involved in the planning process.

Mrs. Noll thanked Mr. Steele and his colleagues for meeting with the residents of Coventry and Patriot Village concerning traffic issues. She echoed Mr. Bowman's comments concerning citizen involvement, and pointed out that staff and VDOT personnel outnumbered the citizens at the Route 17 widening project meeting.

Mr. Shepperd mentioned Hampton Highway and a freeze several years ago that caused a lot of delineation marks to pop up, and it was beginning to happen again. He questioned the reason for the work on the shoulder of Hampton Highway and asked Mr. Steele to check into that.

Chairman Burgett thanked VDOT for the quick pothole repair at Yorktown Road and Route 134, and also for repairing the sinkhole on Route 17 near Washington Square.

PRESENTATIONS

ZWEIBRÜCKEN STUDENT EXCHANGE PROGRAM

Ms. Sande Hespe, York County School Division, gave a presentation on the Zweibrücken Exchange Program and introduced the following exchange students from Germany accompanied by their American host families:

Bruton High School
Laura Horsting

Grafton High School
Sara Griffith
Maryanne Summerford

Tabb High School
Sara Gibbs
Emily Mazich
Tiffany Ross

York High School
Jeri Dilts
Jeff Luckring
Jonathan Noel
Ben Schenkan

Zweibrücken
Anna Zenker
Maria Schubotz
Esther Scholwalter
Nina Stalter
Meike Hofner
Febienne Schattner
Christine Clauss
Daniel Benoit
Jan Zumbach
Verena Wolf

Chaperons
Karen Luckring
Klaus Velten

VIDEO SERVICES BOARD

Mr. Michael Canty, Video Services Board, gave a presentation on the activities of the Video Services Board, and explained that Video Services supports both the County and School Board for the programming of Channels 46 and 47. He stated they were heavily involved in technical upgrades, and he elaborated on the more than 220 hours of programming conducted by the six staff members. He listed some of the programs that aired, and reported on the webstreaming contract awarded to Video Services that will allow people to view the meetings on the web.

Mr. Zaremba stated he would like to see the audio in the East Room corrected.

Mr. Canty indicated staff was aware of the problems and were working diligently to correct the trouble.

Discussion ensued concerning future broadcasts.

CITIZENS COMMENT PERIOD

No one appeared to speak to the Board at this time.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett reported the new Assistant County Attorney would begin on the 28th of the month and that he would soon bring her to a meeting for introduction.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of its Budget Public Hearing on March 22 at 7:00 p.m. He encouraged citizens to attend the meeting and present their views.

MATTERS PRESENTED BY THE BOARD

Mr. Shepperd stated he had received a steady stream of complaints on the new trash receptacles. Some of the complaints had to do with the amount of debris the containers could hold, and their being easily turned over in the streets.

Mrs. Noll announced that March is Women's History Month recognizing the changes women have made in America. She listed a few of the honorees and explained that the month honors and recognizes the role of women in various positions.

Mr. Bowman stated the Steering Committee for the Comprehensive Plan Committee would meet on the 21st and 28th of the month, and they would soon submit the plan to the Planning Commission. He reported that the Regional Issues Committee meeting would take place on the 18th, and it would be a joint meeting to discuss the wayfinding progress for the Jamestown, Williamsburg, and Yorktown areas for 2006-07. He also discussed the new trash containers, and explained how to position a container so it would not tip over.

Chairman Burgett stated he had received the same complaints concerning the trash containers. He encouraged Board members to read over the proposed Zoning Ordinance amendments and be prepared to discuss them on April 5.

Meeting Recessed: At 6:52 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 7:00 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS**REQUEST FOR TAX EXEMPTION – DAV THRIFT STORES**

Mr. McReynolds explained the purpose of proposed Ordinance No. 05-6 to approve tax exemption status for DAV Thrift Stores.

Mr. John Edgerton, 226 Rolfe Road, Williamsburg, appeared before the Board to answer any questions the Board might have concerning the proposed exemption, and explained some of the paid and volunteer positions with the DAV.

Mr. Nick Ferral, 303 Mill Road, provided the Board with a copy of the DAV's budget, and invited them to view the operation located in Tabb Square. He then explained some of the store's operational expenses and procedures.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 05-6 which was duly advertised as required by law and is entitled:

AN ORDINANCE GRANTING EXEMPTION FROM REAL AND PERSONAL PROPERTY TAXATION PURSUANT TO CODE OF VIRGINIA SECTION 58.1-3651 TO DISABLED AMERICAN VETERANS (DAV) THRIFT STORES OF HAMPTON ROADS, A VIRGINIA NON-PROFIT CORPORATION

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Ordinance R05-6 that reads:

AN ORDINANCE GRANTING EXEMPTION FROM REAL AND PERSONAL PROPERTY TAXATION PURSUANT TO CODE OF VIRGINIA SECTION 58.1-3651 TO DISABLED AMERICAN VETERANS (DAV) THRIFT STORES OF HAMPTON ROADS, A VIRGINIA NON-PROFIT CORPORATION

WHEREAS, DAV Thrift Stores of Hampton Roads has forwarded to the Board a request for real and personal property tax exemption; and

WHEREAS, §58.1-3651 of the Code of Virginia addresses such exemptions and requires that the local governing body advertise and conduct a public hearing and consider a series of questions prior to adopting an ordinance supporting the requested exemption; and

WHEREAS, the required public hearing has been advertised and conducted and the Board of Supervisors has duly examined and considered the questions contained in §58.1-3651(B) of the Code of Virginia;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 15th day of March, 2005, that DAV Thrift Stores of Hampton Roads shall be exempt from real and personal property taxation by designation effective January 1, 2005;

BE IT FURTHER ORDAINED that it is recommended that the property of the DAV Thrift Stores of Hampton Roads be classified as property used for charitable and benevolent purposes in accordance with those tax exemption categories set out in Code of Virginia § 58.1-3651;

BE IT FURTHER ORDAINED that continuance of the property tax exemption shall be contingent on the continued use of the properties for charitable and benevolent purposes in accordance with the purpose for which the exemption is granted.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Shepperd, Burgett
Nay: (0)

APPLICATION NOS. ZM-90-05 and UP-659-05, KING'S CREEK HOLDING CO., LLC

Mr. Carter gave a presentation on Application Nos. ZM-90-05 to reclassify property at 1637 Penniman Road from Rural Residential to Economic Opportunity, and UP-659-05 to approve a use permit to include 1637 Penniman Road into an approved timeshare resort. The Planning Commission considered the applications and forwarded them to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the applications through the adoption of proposed Ordinance No. 05-6 and proposed Resolution R05-34.

Mr. Billie Millner, attorney representing the applicant, explained the applicant had already taken title to the property but had allowed the previous owner to remain there while her house was being constructed.

Mr. Kevin Jones, Vice President of Sales, provided the Board with the income figures generated by King's Creek.

Chairman Burgett called to order a public hearing on Application ZM-90-05 that was duly advertised as required by law. Proposed Ordinance 05-5 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING A 0.71-ACRE PARCEL LOCATED AT 1637 PENNIMAN ROAD FROM RR (RURAL RESIDENTIAL) TO EO

(ECONOMIC OPPORTUNITY) SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance R05-5 that reads:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING A 0.71-ACRE PARCEL LOCATED AT 1637 PENNIMAN ROAD FROM RR (RURAL RESIDENTIAL) TO EO (ECONOMIC OPPORTUNITY) SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

WHEREAS, King's Creek Holding Co., LLC has submitted Application No. ZM-90-05, which requests to amend the York County Zoning Map by reclassifying from RR (Rural Residential) to EO (Economic Opportunity) an approximately 0.71-acre parcel of land located at 1637 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 11-116 (GPIN# H14d-4599-2268); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 14th day of March, 2005, that Application No. ZM-90-05 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying an approximately 0.71-acre parcel of land located at 1637 Penniman Road (Route 641), further identified as Assessor's Parcel No. 11-116 (GPIN# H14d-4599-2268), from RR (Rural Residential) to EO (Economic Opportunity) subject to the voluntarily proffered conditions set forth in the applicant's proffer statement, titled "Revised Proffers: Rezoning Application No. ZM-90-05" signed by B. M. Millner, Authorized Agent for King's Creek Holding Co., LLC and dated January 10, 2005, a copy of which shall remain on file in the Planning Division and which shall be recorded in the office of the Clerk of the Circuit Court pursuant to the requirements of Section 24.1-114(e)(1) of the York County Zoning Ordinance.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett
Nay: (0)

Chairman Burgett then called to order a public hearing on Application UP-659-05 that was duly advertised as required by law. Proposed Resolution R05-34 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE INCLUSION OF A 0.71-ACRE PARCEL OF LAND LOCATED AT 1637 PENNIMAN ROAD INTO AN APPROVED 1,100-UNIT TIMESHARE RESORT

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R05-34 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE INCLUSION OF A 0.71-ACRE PARCEL OF LAND LOCATED AT 1637 PENNIMAN ROAD INTO AN APPROVED 1,100-UNIT TIMESHARE RESORT

WHEREAS, King's Creek Holding Co., LLC, has submitted Application No. UP-658-05 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 11, Number 11) of the York County Zoning Ordinance, to authorize a Special Use Permit for the inclusion of a 0.71-acre parcel of land located at 1637 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 11-116 (GPIN# H14d-4599-2268) into an approved 1,100-unit timeshare resort adjacent thereto; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of March, 2005, that Application No. UP-658-05 be, and it hereby is, approved to authorize a Special Use Permit for the inclusion of a 0.71-acre parcel of land located at 1637 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 11-116 (GPIN# H14d-4599-2268) into an approved 1,100-unit timeshare resort adjacent thereto:

1. This Special Use Permit shall authorize the inclusion of a 0.71-acre parcel of land located at 1637 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 11-116 (GPIN# H14d-4599-2268) into an approved 1,100-unit timeshare resort adjacent thereto.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to the commencement of any development or land clearing activities on the site. Such site plan shall be in general conformance with the conceptual plan titled "King's Creek Plantation, SPH & Washington Tract Exhibit," prepared by Landmark Design Group and dated January 6, 2005, a copy of which shall remain on file in the Planning Division.
3. On-site parking to serve the development shall be provided at a minimum ratio of 1.3 spaces per dwelling unit.
4. The entire development shall be served by public water and sanitary sewer.
5. The timeshare resort shall consist only of residential units for which the exclusive right of use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed time schedule, which may vary within certain specified time periods, on a periodically recurring basis.
6. Permanent year-round occupancy of any units by any individual or family other than that of a resident manager or caretaker and his or her family shall not be permitted.
7. All agreements and restrictions pertaining to ownership and maintenance of common areas on the site shall comply fully with Section 55-360 et seq., Code of Virginia, the Virginia Real Estate Time-Share Act. Certification by the developer's legal counsel that the referenced standards have been met shall be submitted with development plans.

8. All streets, drives, and parking areas in the development shall be constructed to VDOT cross-sectional street standards.
9. The existing driveway on Penniman Road shall be demolished and no vehicular access to Penniman Road shall be permitted on the subject parcel.
10. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Zaremba, Noll, Burgett
 Nay: (0)

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, respectively.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett
 Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

February 15, 2005, Regular Meeting

Item No. 4. PURCHASE AUTHORIZATION: Resolution No. R05-42.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
 TO EXECUTE A CONTRACT FOR DESIGN OF A SANITARY
 SEWER AND WATER SYSTEM FOR THE QUEENS LAKE AREA
 AND CONSTRUCT THE FOXWOOD DRAINAGE PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of March, 2005, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Queens Lake Sanitary Sewer and Water Project	\$ 500,025
Foxwood Drainage Project	428,556

Item No. 5. LIBRARY MANAGEMENT SERVICES AGREEMENT: Resolution R05-37.

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A MAN-
 AGEMENT SERVICES AGREEMENT BETWEEN THE YORK

COUNTY BOARD OF SUPERVISORS AND THE YORK COUNTY
LIBRARY BOARD OF TRUSTEES

WHEREAS, In Virginia, Public Libraries are the responsibility of local governments and Sections 42.1-33 and 42.1-35 of the Code of Virginia, as amended, define the roles of localities in establishing Boards of Trustees and supporting libraries for “. . . the use and benefit of its residents...” and

WHEREAS, York County offers very comprehensive library services, using local tax dollars to construct and maintain buildings, provide staff, equipment, furnishings, and collections; and

WHEREAS, it is the responsibility of the Library Board of Trustees to oversee the York County Public Library and it is the desire of the Trustees to assure that this is done in a businesslike and professional manner; and

WHEREAS, it is appropriate to define the roles and responsibilities of Board of Supervisors and Library Board of Trustees and to provide policies and procedures for the operations of the library and the management of the Library staff; and

WHEREAS, such an agreement between the York County Board of Supervisors and the Library Board of Trustees has been jointly developed by the Trustees and the staff of the County of York and execution was authorized by the York County Board of Supervisors by Resolution R00-161 adopted on October 3, 2000; and

WHEREAS, the Agreement has been satisfactorily implemented throughout the initial five year period; and

WHEREAS, the Library Board of Trustees has identified some desired revisions that clarify and further facilitate implementation and the Trustees have formally acted to accept the Agreement and to ask the York County Board of Supervisors to authorize execution of this document; and

WHEREAS, these changes are considered to be appropriate by the County;

NOW THEREFORE BE IT RESOLVED by the York County Board of Supervisors this 15th day of March that the County Administrator be, and he is hereby, authorized to execute a Management Services Agreement between the York County Board of Supervisors and the York County Library Board of Trustees with an effective date of March 15, 2005.

Item No. 6. PRINCIPLES OF FAIR HOUSING: Resolution R05-43.

A RESOLUTION ENDORSING THE PRINCIPLES OF FAIR HOUSING AS SET FORTH IN TITLE 36, CHAPTER 5.1 OF THE CODE OF VIRGINIA (1950) AS AMENDED

WHEREAS, the Commonwealth of Virginia has, through Section 36-96.1 of the Code of Virginia (1950, as amended), established a policy to: “provide for fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status or handicap, and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity and general welfare of all inhabitants of the Commonwealth may be protected and insured”; and

WHEREAS, Section 36-96.8 et.seq., of the Code of Virginia (1950 as amended) empowers the Virginia Real Estate Board to receive complaints and conduct investigations of alleged violations of the Fair Housing Law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of March, 2005, that the Board does hereby reaffirm its endorsement of the principles

of the Virginia Fair Housing Law and does hereby state that it is the policy of the York County Board of Supervisors that said principles are, and continue to be, adhered to in this County.

Item No. 7. EXTENSION OF SPECIAL USE PERMIT TERM: Resolution R05-38.

A RESOLUTION TO APPROVE A MINOR MODIFICATION OF A
PREVIOUSLY APPROVED SPECIAL USE PERMIT BY AUTHORIZ-
ING A ONE-YEAR EXTENSION OF THE DEADLINE FOR ESTAB-
LISHING THE SPECIAL USE

WHEREAS, Berrane Enterprises, Inc. submitted Application No. UP 571-01, which requested a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance, to authorize a 34,900-square foot mini-storage warehouse facility on a 5.83-acre parcel located at 905 Denbigh Boulevard (Route 173) approximately 917 feet east of the Newport News city line and further identified as Assessor's Parcel No. 28-(1)-A; and

WHEREAS, on April 17, 2001, the York County Board of Supervisors approved said application through the adoption of Resolution No. R01-64(R); and

WHEREAS, pursuant to Section 24.1-115(c)(1) of the York County Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established; and

WHEREAS, through the adoption of Resolution Nos. R03-79(R) and R04-44, the Board of Supervisors authorized extensions of the use permit term to May 5, 2004 and March 16, 2005, respectively; and

WHEREAS, Berrane Enterprises, Inc. has submitted Application No. UP 664-05, which requests that the above-referenced Special Use Permit be amended, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, to authorize an additional extension of the deadline for establishing the special use;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of March, 2005, that Application No. UP 664-5, be, and it is hereby, approved to authorize an additional extension of the March 16, 2005 deadline for establishing the special use.

BE IT FURTHER RESOLVED that failure to establish said special use in accordance with the provisions set forth in Section 24.1-115(c)(1) of the Zoning Ordinance within one (1) year from the date that public water service is extended to the boundary of the subject property shall cause the special use permit to terminate automatically.

Item No. 8: PUBLIC SEWER EXTENSION AGREEMENT: STEPHENS RUN: Resolution R05-40.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE
COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DE-
VELOPMENT KNOWN AS STEPHENS RUN, AND AUTHORIZING
EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION
AGREEMENT

WHEREAS, Pomoco Developments, Inc. has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve thirteen new residential lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development;

March 15, 2005

and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$29,900.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of March, 2005, that the Board approves the extension of the County's public sewer system to serve the proposed development, Stephens Run, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Pomoco Developments, Inc. for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 9. PUBLIC SEWER EXTENSION AGREEMENT: INTERNATIONAL CENTER PHASE III: Resolution R05-45.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS INTERNATIONAL CENTER PHASE III, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Bulifants, L.P. has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve seven new commercial lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$16,100.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of March, 2005, that the Board approves the extension of the County's public sewer system to serve the proposed development, International Center Phase III, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Bulifants, L.P. for the proposed extension; such agreement to be approved as to form by the County Attorney.

No. 10. PUBLIC WATER EXTENSION AGREEMENT: INTERNATIONAL CENTER PHASE III: Resolution R05-46.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S WATER SYSTEM TO A PROPOSED DEVELOPMENT

KNOWN AS INTERNATIONAL CENTER PHASE III, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC WATER EXTENSION AGREEMENT

WHEREAS, Bulifants, L.P. has requested that the County enter into a public water extension agreement pursuant to § 22-88 (b) of the York County Code to serve seven new commercial lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public water facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing water system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 22 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$12,950.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of March, 2005, that the Board approves the extension of the County's public water system to serve the proposed development, International Center Phase III, and that the County Administrator be, and he hereby is, authorized to execute a public water extension agreement with Bulifants, L.P. for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 11. STREET ACCEPTANCES: Resolutions R05-47 and R05-48.

Resolution R05-47:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CERTAIN STREETS IN YORKTOWN TRACE INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 15th day of March, 2005, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Yorktown Trace and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted March 15th, 2005

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Yorktown Trace

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Browns Lane, State Route Number 648

Description: **From:** Route 1026 (Vivian Court)
To: 0.07 mile north to end of existing Route 648
 A distance of: 0.07 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 8/14/2002, Instrument #020016592, with a width of 40'

Nancy Court, State Route Number 1024

Description: **From:** Route 659 (Dogwood Road)
To: End of cul-de-sac
 A distance of: 0.05 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 8/14/2002, Instrument #020016592, with a width of 50'

Vivian Court, State Route Number 1026

Description: **From:** Route 648 (Browns Lane)
To: End of cul-de-sac
 A distance of: 0.08 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 8/14/2002, Instrument #020016592, with a width of 50'

Resolution R05-48:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
 TRANSPORTATION TO ADD A PORTION OF DOGWOOD ROAD
 INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS AS A NO
 COST RURAL ADDITION

WHEREAS, the road described in this Board of Supervisors' resolution meets the Virginia Department of Transportation standard for public road status by continuous state maintenance for more than 20 years and with the presumption of 30 feet of right of way, pursuant to Section 33.1-184, Code of Virginia; and

WHEREAS, the Department of Transportation recommends that the road described in this Board's resolution be added to the Secondary System of State Highways as a no cost rural addition pursuant to Section 33.1-229 and Commonwealth Transportation Board policy, because the road meets current minimum standards, the condition of the existing hard surface is serviceable, and the road has provided continuous public service since its establishment in 1949; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for this street;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 15th day of March, 2005, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the portion of Dogwood Road as described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the Rural Addition Policy of the Commonwealth Transportation Board of the Virginia Department of Transportation as a no cost rural addition.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Yorktown Trace and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted March 15th, 2005

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Yorktown Trace-Rural Addition

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Dogwood Road, State Route Number 659

Road) *Description: **From:** 0.60 Mile Southwest of Route 238 (Old Williamsburg*

To: 0.63 Mile Southwest of Route 238

A distance of: 0.03 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 8/14/2002, Instrument #020016592, with a width of 30'

Item No. 12. ROUTE 17 WIDENING—WOLFTRAP ROAD TO ROUTE 134: Resolution R05-39.

A RESOLUTION TO SUPPORT THE PROPOSED PROJECT TO WIDEN ROUTE 17 FROM FOUR TO SIX LANES BETWEEN ROUTE 134 (HAMPTON HIGHWAY) AND ROUTE 630 (WOLFTRAP ROAD) IN ACCORDANCE WITH THE PLANS PRESENTED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION AT THE MARCH 8, 2005 DESIGN PUBLIC HEARING

WHEREAS, since 1986 the York County Board of Supervisors has identified the widening of Route 17 as its highest priority for Primary System improvements; and

WHEREAS, the need for increased capacity and safety enhancements has been documented through numerous studies and analyses and, as a result, the Virginia Department of Transportation has established Project No. 6017-099-129, PE-101, RW-201, C-501, B-604 that

will result in widening from four to six lanes between Route 134 (Hampton Highway) and Route 630 (Wolftrap Road); and

WHEREAS, the Virginia Department of Transportation conducted a Design Public Hearing for the proposed project on March 8, 2005 for the purpose of soliciting public comments on the proposed design; and

WHEREAS, the Board is aware that while comments about the capacity and safety improvements associated with the project have been positive, there are some relatively significant impacts on several private properties as a result of the necessary right-of-way acquisition and the proposals for entrance consolidation and / or elimination; and

WHEREAS, the Board understands the concerns of the private property owners but recognizes that certain impacts are unavoidable in order to accommodate the additional travel and turning lanes that will benefit the traveling public at large; and

WHEREAS, the Board is confident that the Department of Transportation has worked and will work with these property owners to minimize impacts and / or to provide fair and just compensation for property losses;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of March, 2005, that it does hereby indicate its support for the widening of Route 17 between Route 134 (Hampton Highway) and Route 630 (Wolftrap Road) as depicted on the plans for said project (No. 6017-099-129, PE-101, RW-201, C-501, B-604) as depicted on the plans presented at the Design Public Hearing conducted on March 8, 2005, provided however, that the Board respectfully requests that landscaping be incorporated into the center median and that it be funded as a project cost;

BE IT FURTHER RESOLVED that the Board respectfully requests the Virginia Department of Transportation to proceed with the construction of this project as soon as possible;

BE IT STILL FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Resident Engineer for the Virginia Department of Transportation.

Item No. 13. UTILITIES STRATEGIC CAPITAL PLAN: Resolution R05-41.

A RESOLUTION TO ADOPT THE UTILITIES STRATEGIC CAPITAL
PLAN FOR WATER, WASTEWATER AND STORMWATER FOR
2005

WHEREAS, the Board of Supervisors recognizes the need to protect the health of York County citizens through the extension of public water and sewer services to certain areas of the county; and

WHEREAS, it is the desire of the Board of Supervisors that the County's existing water and sewer systems be maintained at acceptable levels of efficiency and reliability; and

WHEREAS, based on need, as determined by applying the rating criteria established by the Board in January 1991 and within the constraints of capital funding, the Utilities Strategic Capital Plan provides a schedule and financial plan for the extension of water and sewer systems and maintenance of existing systems;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of March, 2005, that the water and sewer maintenance and extension program, as presented in the Utilities Strategic Capital Plan, is approved.

BE IT FURTHER RESOLVED that this plan is to be reviewed and updated in two years.

NEW BUSINESS

ATHLETIC FIELD COMPLEX

Mrs. Anne Smith, Director of Community Services, gave a presentation on proposed Resolution R05-44 to authorize the execution of a lease with the City of Newport News for an athletic field complex. She acknowledged the many hours of hard work that went into the planning of the agreement, and recognized staff for its effort.

Mrs. Noll acknowledged that a lot of details went into the planning, and stated she was thrilled that this park would finally happen.

Mrs. Noll then moved the adoption of proposed Resolution R05-44 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ENTER INTO AN AGREEMENT WITH THE CITY OF NEWPORT
NEWS TO LEASE APPROXIMATELY 187 ACRES OF PROPERTY
FOR DEVELOPMENT OF AN ATHLETIC FIELD COMPLEX

WHEREAS, it is the Board's desire to construct an athletic field complex and the City of Newport News has set aside approximately 187 acres of property owned by the City that is located in York County for this purpose; and

WHEREAS, the staff of the City have been helpful in this process and the members of Council of the City have indicated support; and

WHEREAS, terms of a proposed lease agreement have been developed by the staff of York County and the City of Newport News for consideration by the Board of Supervisors and the City Council;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of March, 2005, that the County Administrator be, and hereby is, authorized to enter into an agreement, substantially in the same form as the draft "Agreement of Lease for Construction and Maintenance of Public Park" attached to the County Administrator's memorandum of March 2, 2005.

On roll call the vote was:

Yea:	(5)	Zaremba, Noll, Bowman, Shepperd, Burgett
Nay:	(0)	

MATTERS PRESENTED BY THE BOARD (continued)

Mr. Zaremba reminded the citizens of the County's budget process and the importance of coming before the Board to express their views. He encouraged all to become involved before the decisions are finalized. He explained the Comprehensive Plan review process was nearing end and would dictate changes in the Zoning Ordinance. He discussed the Board's recent retreat, and mentioned one of the items discussed was a proposal to add a branch library in the upper County. He also recognized Waste Management for its efficient collection of household hazardous waste materials.

Mr. Shepperd directed his comments to the citizens of District 5 and announced that his annual Town Meeting would take place at the Tabb Elementary School gymnasium on March 30th at 7:00 p.m. He discussed how the meeting would be conducted, and listed a few of the items to be covered.

CLOSED MEETING. At 7:55 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions and the salary of specific public officers; Section 2.2-3711(a)(3) pertaining to real property used for a public purpose, specifically pertaining to the acquisition

March 15, 2005

of real property for a public purpose. Section 2.2-3711(a)(7) to consult with legal counsel on a specific legal matter requiring the provision of legal advice by counsel.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett
Nay: (0)

Meeting Reconvened. At 8:42 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of March, 2005, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

APPOINTMENT TO THE YORK COUNTY HISTORICAL COMMITTEE

Mrs. Noll then moved the adoption of proposed Resolution R05-35 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY
HISTORICAL COMMITTEE

BE IT RESOLVED by the York County Board of Supervisors this 15th day of March, 2005, that Glen Brazelton be, and he hereby is, appointed to the York County Historical Committee.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett
Nay: (0)

APPOINTMENT TO THE REGIONAL ISSUES COMMITTEE

Mr. Burgett then moved the adoption of proposed Resolution R05-50 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTA-
TIVE TO THE REGIONAL ISSUES COMMITTEE

WHEREAS, Mr. James Womick has tendered his resignation as a York County representative to the Regional Issues Committee; and

WHEREAS, Mr. Womick's term on the Committee does not expire until December 31, 2005;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of March, 2005, that the following individual be, and is hereby, appointed to the Regional Issues Committee as a York County representative to fill the unexpired term of James Womick, such term to begin immediately and expire December 31, 2005:

Kevin J. Collins

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Shepperd, Burgett
Nay: (0)

Meeting Adjourned. At 8:45 p.m. Chairman Burgett moved that the meeting be adjourned to 6:00 p.m., Tuesday, March 22, 2005, in the East Room, York Hall, for the purpose of conducting a work session.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors